

HOUSE BILL 764

By Halford

AN ACT to amend Tennessee Code Annotated, Title 69
and Title 70, relative to enforcement of the Water
Quality Control Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 1, Part 1, is amended by adding the following as a new section:

The agency must immediately transfer all cases involving potential violations of the Water Quality Control Act, compiled in title 69, chapter 3, part 1, to the department of environment and conservation for investigation. If the agency receives a complaint or otherwise becomes aware of a potential water quality violation on property used in agriculture, as defined in § 1-3-105, the agency must immediately notify both the department of environment and conservation and the department of agriculture.

SECTION 2. Tennessee Code Annotated, Section 70-1-305, is amended by deleting subdivision (10) and substituting instead the following:

Arrest without warrant any person who violates the prohibited uses of waters posted pursuant to § 69-3-107(15). The power granted pursuant to this subdivision does not include the authority to investigate violations of the Water Quality Control Act, compiled in title 69, chapter 3, part 1;

SECTION 3. Tennessee Code Annotated, Section 69-3-115, is amended by deleting subsection (d) and substituting instead the following:

The department of environment and conservation is the sole state agency authorized to conduct investigations arising under this part. Investigations on property

used in agriculture, as defined in § 1-3-105, must be conducted in consultation with the department of agriculture.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.